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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,058	05/29/2001	William Joseph Beyda	98P7511US01	6313

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Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,058

Applicant(s)

BEYDA ET AL.

Examiner

Joseph T. Phan

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2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/28/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 6, 21, and 27 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lines 7-8 recites "said one or messages" and claim 21 lines 3-4 and 6-7 recites "said one or more marked messages" and "said one or more notification message". It is unclear if "the messages" in claim 1 is referring to the same messages as in line 2 or if it is referring to "marked messages" or "notification message" as in claim 21. For similar reasons, claim 2 is unclear and confusing if the "messages" are all referring to the same message or different messages.

Claim 6 line 2 recites "the number of minutes said one of more messages". This phrase is unclear and confusing as to what "the number of minutes said one or more messages" is referring to.

Claim 27 line 7 recites "in response to said determining step determining that the amount" This phrase is unclear and confusing because of grammatical errors and not known what "determining step determining" is referring to.

Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 102

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2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-28 rejected under 35 U.S.C. 102(b) as being anticipated by Mohler, Patent #5,506,872.

Regarding claim 1, Mohler teaches a multimedia messaging system, comprising: a mailbox configured to receive and store one or more messages, a capacity calculator configured to determine the amount of space occupied by said one or more messages (Fig.1 and col.4 lines 1-19); and a message transmittal unit configured to automatically enable one or more notification messages to be generated in response to determining that the amount of space occupied by said one or messages exceeds a predetermined threshold(Fig.1 and col.4 lines 25-43).

Regarding claim 2, Mohler teaches the system of claim 1, wherein said capacity calculator is configured to count the number of messages stored in said mailbox(col.5 lines 48-50; no messages is 0 count and more than 1 count is a few).

Regarding claim 3, Mohler teaches the system of claim 1, wherein said capacity calculator is configured to determine the amount of time said one or more messages occupy(col.4 lines 1-17 and lines 57-67; amount of time of a 100% fill rate is left).

Regarding claim 4, Mohler teaches the system of claim 1, wherein said mailbox is located in a non-volatile memory device(Fig.1).

Regarding claim 5, Mohler teaches the system of claim 4, wherein said capacity calculator is configured to determine the amount of non-volatile memory consumed by said one or more messages(col.4 lines 1-18).

Regarding claim 6, Mohler teaches the system of claim 1, wherein said capacity calculator is configured to count the number of minutes said one or more messages(col.4 lines 1-18).

Regarding claim 7, Mohler teaches the system of claim 1, wherein said non-volatile memory device includes a fixed disk drive(Fig.1).

Regarding claim 8, Mohler teaches the system of claim 1, wherein said non-volatile memory device includes flash memory(Fig.1)

Regarding claim 9, Mohler teaches the system of claim 1, wherein said notification messages include one or more facsimile messages(col.4 lines 36-43).

Regarding claim 10, Mohler teaches the system of claim 1, wherein said notification messages include one or more telephone messages(col.4 lines 36-43).

Regarding claim 11, Mohler teaches the system of claim 1, wherein said notification messages include one or more pager notifications(col.4 lines 36-43).

Regarding claim 12, Mohler teaches the system of claim 1, wherein said notification messages include one or more electronic mail messages(col.4 lines 36-43).

Regarding claim 13, Mohler teaches the system of claim 1, wherein said notification messages include changing the cadence of a message waiting light on a telephone(col.4 lines 20-43;design choice).

Regarding claim 14, Mohler teaches the system of claim 1, wherein said notification messages include modifying a telephone dial tone(col.4 lines 20-43; dial tone is modified).

Regarding claim 15, Mohler teaches the system of claim 14, wherein said modified telephone dial tone includes changing the frequency of the dial tone(col.4 lines 20-43; frequency is changed as a result of dialing different numbers).

Regarding claim 16, Mohler teaches the system of claim 14, wherein said notification messages includes stuttering the telephone dial tone(col.4 lines 20-43; dial tones stutter).

Regarding claim 17, Mohler teaches the system of claim 1, further including a user alert profile table to store information as to where said one or more notification messages are to be sent(Fig.1 and col.4 lines 40-48 and col.5 lines 19-30).

Regarding claim 18, Mohler teaches the system of claim 1, wherein said multimedia messaging system is an electronic mail system(col.4 lines 36-43).

Regarding claim 19, Mohler teaches the system of claim 1, wherein said multimedia messaging system is a facsimile server(col.4 lines 36-43).

Regarding claim 20, Mohler teaches the system of claim 1, wherein said multimedia messaging system is a voice mail system(col.4 lines 36-43).

Regarding claim 21, Mohler teaches a multimedia messaging system comprising: a mailbox adapted to receive and store one or more messages; a message transmittal unit responsive to said mailbox receiving said one or more marked messages to enable one or more notification messages

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to be generated, and a user alert table to store the one or more locations where said one or more notification message are to be sent(Fig.1 and col.4 lines 1-43).

Regarding claim 22, Mohler teaches the system of claim 21 wherein said one or more locations includes user contact information(Fig.1 and col.4 lines 40-48 and col.5 lines 19-30).

Regarding claim 23, Mohler teaches the system of claim 22 wherein said contact information includes one or more electronic mail addresses(Fig.1 and col.4 lines 40-48 and col.5 lines 19-30).

Regarding claim 24, Mohler teaches the system of claim 22 wherein said contact information includes one or more facsimile numbers(Fig.1 and col.4 lines 40-48 and col.5 lines 19-30).

Regarding claim 25, Mohler teaches the system of claim 22 wherein said contact information includes one or more voice telephone numbers(Fig.1 and col.4 lines 40-48 and col.5 lines 19-30).

Regarding claim 26, Mohler teaches the system of claim 22 wherein said contact information includes one or more pager numbers(Fig.1 and col.4 lines 40-48 and col.5 lines 19-30).

Regarding claim 27, Mohler teaches a multimedia messaging system, a method for generating notification messages, comprising:
receiving and storing one or more messages, determining the amount of space occupied by said one or more messages(Fig.1 and col.4 lines 1-43), and

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automatically enabling one or more notification messages to be generated in response to said determining step determining that the amount of space occupied by said one or messages exceeds a predetermined threshold(Fig.1 and col.4 lines 1-43).

Regarding claim 28, Mohler teaches the method of claim 22, further including the step of storing one or more addresses where said one or more notification message are to be sent(Fig.1 and col.4 lines 1-43).


Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP
March 9, 2006



FAN TSANG
SUPERVISORY PATENT EXAMINER
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